IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(Crl.).No. 22 of 2007(S)

PETITIONER:

B. NAGENDRAN NAIR, S/O. BHASKARAN NAIR,
AGED 54, KALATHIL VEEDU, ERAYAMCODE, CHERIYAKUNNU,
ARUVIKODE, TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVT.(HOME)
SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR GENERAL OF POLICE,
TRIVANDRUM.

3. THE SUPERINTENDENT OF POLICE (RURAL),
TRIVANDRUM.

4. THE CIRCLE INSPECTOR OF POLICE,
NEDUMANGAD, TRIVANDRUM.

5. THE SUB INSPECTOR OF POLICE,
NEDUMANGAD, TRIVANDRUM.

6. SANTHOSH, S/O. BHASKARAN NADAR,
AGED 28, KIZHAKETHOPPIL, MAYILAM, CHERIYAKUNNU,
TRIVANDRUM.

R1 TO R5 BY G.P. SHRI P.A. SALIM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 01/02/2007, ALONG WITH WPC 2771/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(CRL.)22/2007

EXT.P1-TRUE COPY OF THE RELEVANT PAGE OF THE SSLC BOOK OF PRAVEENA V.N

EXT.P2-TRUE COPY OF THE IDENTITY CARD OF THE PETITIONER's

EXT.P3-TRUE COPY OF THE RELEVANT PAGE OF RATION CARD OF THE PETITIONER's

EXT.P4-TRUE COPY OF THE FIR DATED 19.1.2007

/./ TRUE COPY //

J.B. Koshy &
T.R. Ramachandran Nair JJ.
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W.P.(Crl).NO.22 & W.P.(C) NO. 2771 of 2007
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Dated this the 1st day of February, 2007

JUDGMENT

Koshy, J.

Writ Petition No.22/2007 is a petition for habeas corpus filed by the father of one Praveena stating that Praveena went a tailoring shop for studying tailoring and 6th respondent abducted her and she is under the illegal custody of 6th respondent. The 6th respondent and another filed Writ Petition No.2771/2007 alleging police harassment.

2. The alleged detenue is present. She has stated that she was not abducted and she is not under illegal custody. She further stated that she went on her own with the 6th respondent. Admittedly she passed the age of consent and hence it cannot be stated that 6th respondent has committed any offence and police shall not harass him. At the same time, as per school certificate her date of birth is only 24.5.1990. Learned counsel for the 6th respondent submitted that as per the medical records and the Corporation records, her date of birth is 24.8.1989. Even if that is accepted, she will attain majority only on 24.8.2007. Therefore, parent can have custody of her. The agreement executed before the Sub Registrar cannot be taken as a

marriage.

In the above circumstances, the father and mother of the detenue is given the custody of their daughter. The petitioner submits that he will not harass his daughter and her wishes also will be taken into account in future.

With the above observations, the writ petitions are disposed of.

(J. B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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